



STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR
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March 2, 2011

Mr. David M. Burks-Bey
5501 S. 1100 W.
Westville, IN 46391

*Re: Formal Complaint 11-FC-44; Alleged Violation of the Access to
Public Records Act by the Office of the Governor*

Dear Mr. Burks-Bey:

This advisory opinion is in response to your formal complaint alleging the Office of the Governor (the "Office") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.*

Upon further review, your latest complaint is substantially similar to a previous complaint you filed against the Office in December of last year. In response to that complaint, I issued *Op. of the Public Access Counselor 10-FC-324*. In both complaints, you allege that the Office denied your request for a "Received Stamped Copy [sic]" of several records that you submitted to the Office. As I noted in my opinion regarding your initial complaint, the Office informed me that it did, in fact, respond to your request and provide you with a stamped copy of the relevant documents. The public access counselor has no authority to consider appeals of previous advisory opinions. Consequently, due to the similarity of the issues presented in both of your complaints, I refer you to my analysis in *10-FC-324* and decline to issue a second opinion regarding this matter.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack".

Andrew J. Kossack
Public Access Counselor

Cc: J. Sebastian Smelko